

**78B-2-114 Separate trial of statute of limitations issue in malpractice actions.**

- (1) An issue raised by the defense regarding the statute of limitations in a case may be tried separately if the action is for professional negligence or for rendering professional services without consent, and against:
  - (a) a physician;
  - (b) a surgeon;
  - (c) a dentist;
  - (d) an osteopathic physician;
  - (e) a chiropractor;
  - (f) a physical therapist;
  - (g) a registered nurse;
  - (h) a clinical laboratory bioanalyst;
  - (i) a clinical laboratory technologist; or
  - (j) a licensed hospital, person, firm, or corporation as the employer of any of the persons in Subsection (1)(a) through (i).
- (2) The issue raised may be tried before any other issues in the case are tried. If the issue raised by the defense of the statute of limitations is finally determined in favor of the plaintiff, the remaining issues shall then be tried.

Renumbered and Amended by Chapter 3, 2008 General Session